



Patent
Attorney Docket: 612,404-448

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 612,404-448
First Named Inventor: WINDHAB
Prior Application Information:
Serial No. 09/783,763
Serial No. 09/374,338
Examiner: Wessendorf
Art Unit: 1639

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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FILING UNDER 37 C.F.R. §1.53(b)

This is a request for filing for a continuation application under 37 C.F.R. §1.53(b) of pending prior application U.S. Application Serial No. 09/783,763, filed on February 14, 2001, which is a continuation-in-part of U.S. Application Serial No. 09/374,338, filed August 13, 1999 by WINDHAB et al., entitled:

**METHODS, PROCEDURES, AND FORMATS FOR USING
MICROELECTRONIC ARRAY DEVICES TO PERFORM MULTIPLEX
IMMUNOASSAY ANALYSES**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

APPLICATION ELEMENTS ENCLOSED

- 63 Page(s) of Written Description
2 Page(s) of Claims
1 Page(s) of Abstract
11 Sheet(s) of Drawings ☒ formal ☐ informal
4 Page(s) of ☒ Declaration or ☐ Declaration and Power of Attorney
☒ Copy from prior application [37 CFR §1.63(d)]
☐ Newly executed
Other:

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Assignment papers (cover sheet and documents(s))

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as "Express Mail Post Office To Addressee" in an envelope addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

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July 26, 2004
Date of Deposit

Cynthia B. Pacheco
Cynthia B. Pacheco

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O'MELVENY & MYERS LLP

BEIJING
CENTURY CITY
HONG KONG
LONDON
LOS ANGELES
NEWPORT BEACH

Irvine Spectrum
15000 Irvine Blvd., Suite 100
Irvine, CA 92618-1500
TELEPHONE (949) 737-2300
FACSIMILE (949) 737-2300
WWW.OMM.COM

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September 3, 2004

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OUR FILE NUMBER
612,406-013

WRITER'S DIRECT DIAL
(949) 737-2924

WRITER'S E-MAIL ADDRESS
dkwong@omm.com

Re: Request for Refund - Deposit Account No. 50-2862

Dear Sirs:

The above-referenced deposit account contains an erroneous charge for a Request for Continued Examination ("RCE") in connection with United States Patent Application No. 09/783,763 (Our Reference: 612,406-013, formerly 260/095).

On July 26, 2004, a Transmittal Letter and Petition and Fee for Extension of Time was submitted by Express Mail (EV927499045US) to the United States Patent and Trademark Office (copy of Transmittal Letter and Petition and Fee for Extension of Time which attached a copy of a Transmittal for Filing for Under 37 C.F.R. §1.53(b) [Our Reference: 612,404-448]). Paragraph 3 on Page 2 of the Transmittal Letter authorized the appropriate fee for the three-month extension of time (\$950.00) to be charged to Deposit Account No. 50-2862.

On July 29, 2004, our deposit account was charged for the three-month extension of time (\$950.00) as Sequence No. 7 and for filing a continuation application (\$770.00) for 612,404-448 as Sequence No. 151 (copy of July 2004 Deposit Account Statement attached).

It has come to our attention that the fee for filing an RCE was subsequently charged to Deposit Account No. 50-2862 on August 12, 2004 as Sequence No. 1 in the amount of \$770.00 (copy of August 2004 Deposit Account Statement attached).

We believe this fee should not have been charged to our deposit account and request that \$770.00 be credited back to Deposit Account No. 50-2862.

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O'MELVENY & MYERS LLP

U.S. Patent and Trademark Office, September 3, 2004 - Page 2

Should you have any questions, please do not hesitate to contact us.

Sincerely,

Diane K. Wong

Diane K. Wong, Reg. No. 54550
for O'MELVENY & MYERS LLP

DKW:kmg

Enclosures

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Applicant: WINDHAB et al.
Serial No.: 09/783,763
For: METHODS, PROCEDURES AND FORMATS FOR USING
MICROELECTRONIC ARRAY DEVICES TO PERFORM MULTIPLEX...

Attorney: DKW/tp
Docket No.: 612,400-013

Please acknowledge receipt of the following by adding hereon the Patent and Trademark Office date stamp and returning this card to our office.

Enclosures:

1. Transmittal Letter (in duplicate)
2. COPY of new continuation application transmittal (Exp Mail Label No. EV337190266US)
3. Receipt verification postcard

Date of Deposit: July 26, 2004
Express Mailing Label No. EL927499045US
IR1:1056799.1

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Reg. No. 54,550**RETURN FAX NUMBER:**

(949) 737-2300

TELEPHONE NUMBER:

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MESSAGE

Re: Request for Refund - Deposit Account No. 50-2862

Attachments:

2 pages letter to Mail Stop 16
1 page COPY of postcard submitted 7/26/04
2 pages COPY of Transmittal Letter and Petition and Fee for Extension of Time as filed
7/26/04
4 pages COPY of Application Transmittal as filed 7/26/04
2 pages Deposit Account 50-2862 Statement dated July 2004
2 pages Deposit Account 50-2862 Statement dated August 2004

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL Cinda AT (949) 737-2900.FILE NO.: 612,406-013
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